

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED SERVICES AUTOMOBILE
ASSOCIATION,

Plaintiff,

v.

PNC BANK N.A.,

Defendant.

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CIV. A. NOS. 2:21-CV-00246-JRG (LEAD)
2:22-CV-00193-JRG

VERDICT FORM

In answering the following questions and completing this Verdict Form, you are to follow all the instructions that I have given you in the Court's Final Jury Instructions. Your answers to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Final Jury Instructions. You should refer to and consider the Final Jury Instructions as you answer the questions in this Verdict Form.

As used herein, the following terms have the following meanings:

- “**Plaintiff**” or “**Counter-Defendant**” or “**USAA**” refers to United Services Automobile Association
- “**Defendant**” or “**Counter-Plaintiff**” or “**PNC**” refers to PNC Bank N.A.
- The “**’598 Patent**” refers to U.S. Patent No. 10,769,598
- The “**’638 Patent**” refers to U.S. Patent No. 10,402,638
- The “**’788 Patent**” refers to U.S. Patent No. 7,949,788
- The “**’786 Patent**” refers to U.S. Patent No. 8,868,786
- “**USAA’s Asserted Claims**” refers collectively to Claims 1, 3, 5, 10, and 13 of the ’598 Patent and Claim 20 of the ’638 Patent
- “**PNC’s Asserted Claims**” refers collectively to Claims 3 and 10 of the ’788 Patent and Claims 1, 2, and 5 of the ’786 Patent

**IT IS VERY IMPORTANT THAT YOU FOLLOW THE
INSTRUCTIONS PROVIDED IN THIS VERDICT FORM**

**READ THEM CAREFULLY AND ENSURE THAT YOUR
VERDICT COMPLIES WITH THEM**

THE VERDICT AS RELATES TO THE '598 AND '638 PATENTS
ASSERTED BY USAA AGAINST PNC

QUESTION NO. 1

Did USAA prove by a preponderance of the evidence that PNC infringed **ANY** of
USAA's Asserted Claims?

Yes: ✓ No: _____

QUESTION NO. 2

Did PNC prove by clear and convincing evidence that any of the following USAA
Asserted Claims are invalid?

For each claim below, please answer "Yes" or "No".

Claim 1 of the '598 Patent: Yes: _____ No: ✓

Claim 3 of the '598 Patent: Yes: _____ No: ✓

Claim 5 of the '598 Patent: Yes: _____ No: ✓

Claim 10 of the '598 Patent: Yes: _____ No: ✓

Claim 13 of the '598 Patent: Yes: _____ No: ✓

Claim 20 of the '638 Patent: Yes: _____ No: ✓

If you answered “NO” to Question No. 1, OR “YES” to ALL of USAA’s Asserted Claims in Question No. 2, then DO NOT answer Question No. 3.

Answer Question No. 3 ONLY as to any USAA Asserted Claim that you have found BOTH to be infringed AND not invalid.

QUESTION NO. 3

Did USAA prove by a preponderance of the evidence that PNC willfully infringed ANY of USAA’s Asserted Claims that you found were infringed?

Yes: _____ No: ✓

If you answered “NO” to Question No. 1, OR “YES” to ALL USAA Asserted Claims in Question No. 2, then DO NOT answer Question No. 4.

Answer Question No. 4 ONLY as to any USAA Asserted Claim that you have found BOTH to be infringed AND not invalid.

QUESTION NO. 4a

What sum of money, if paid now in cash, has USAA proven by a preponderance of the evidence would compensate it for its damages for infringement?

Answer in United States Dollars and Cents, if any:

\$ 4,300,000.00

Answer Question No. 4b ONLY if you awarded monetary damages in Question No. 4a.

QUESTION NO. 4b

Is the total amount you found in Question No. 4a a one-time lump sum for past and future sales, or a running royalty for past sales? Check **ONLY** one of the following:

One-time lump sum: ✓

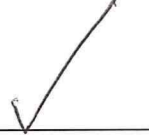
Running Royalty:

THE VERDICT AS RELATES TO THE '788 AND '786 PATENTS
ASSERTED BY PNC AGAINST USAA

QUESTION NO. 5

Did PNC prove by a preponderance of the evidence that USAA infringed **ANY** of
PNC's Asserted Claims?

Yes: _____

No: _____ 

QUESTION NO. 6

Did USAA prove by clear and convincing evidence that any of the following PNC
Asserted Claims are invalid?

For each claim below, please answer "Yes" or "No".

Claim 3 of the '788 Patent: Yes: _____ No: ✓

Claim 10 of the '788 Patent: Yes: _____ No: ✓

Claim 1 of the '786 Patent: Yes: _____ No: ✓

Claim 2 of the '786 Patent: Yes: _____ No: ✓

Claim 5 of the '786 Patent: Yes: _____ No: ✓

If you answered “NO” to Question No. 5, OR “YES” to ALL of PNC’s Asserted Claims in Question No. 6, then DO NOT answer Question No. 7.

Answer Question No. 7 ONLY as to any PNC Asserted Claim that you have found BOTH to be infringed AND not invalid.

QUESTION NO. 7

Did PNC prove by a preponderance of the evidence that USAA willfully infringed
ANY of the PNC Asserted Claims that you found were infringed?

Yes: _____ No: _____

If you answered “NO” to Question No. 5, OR “YES” to ALL PNC Asserted Claims in Question No. 6, then DO NOT answer Question No. 8.

Answer Question No. 8 ONLY as to any PNC Asserted Claim that you have found BOTH to be infringed AND not invalid.

QUESTION NO. 8

What sum of money, if paid now in cash, has PNC proven by a preponderance of the evidence would compensate it for its damages for infringement?

Answer in United States Dollars and Cents, if any:

\$ _____

FINAL PAGE OF THE JURY VERDICT FORM

You have now reached the end of the Verdict Form and should review it to ensure that it accurately reflects your unanimous determinations. The Jury Foreperson should then sign and date the Verdict Form in the spaces below. Once this is done, notify the Court Security Officer that you have reached a verdict. The Jury Foreperson should keep the Verdict Form and bring it when the jury is brought back into the courtroom.

Signed this 16th day of September 2022.

Jury Foreperson